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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,716	11/22/2006	Carmen Kuhl	NK0.064.WUS	3401

7590 08/20/2008  
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EXAMINER
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WRIGHT, BRYAN F

ART UNIT	PAPER NUMBER
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2131

MAIL DATE	DELIVERY MODE
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08/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,716	<b>Applicant(s)</b> KUHL ET AL.	
	<b>Examiner</b> BRYAN WRIGHT	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>March 21, 2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action in response to application November 22, 2006. Claims (1-14) are pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Baldwin (International Publication No. WO 01/57807 (cited from IDS)).

3. As to claim 1, Baldwin teaches a **method for identifying the type of an RFID tag, comprising**

**receiving encrypted data from said RFID tag** [abstract];

**decrypting said data by at least one decryption method** (i.e. ...teaches decryption process step [pg. 10, lines 14-17]);

**[[ - ]] evaluating** (i.e., comparison) **if said data has been correctly decrypted by said at least one decryption method** (i.e., ...teaches a comparison function upon decryption [pg. 10, lines 14-17] Those skilled in the art would recognize the comparison function as being a software routine for which is control by a main routine such that if a

exception happens in the decryption routine, the comparison routine will not be pass the proper data and therefore cause a exception in the comparison routine);

**in case said at least one decryption method has succeeded in decrypting said data, deriving a tag type from said decryption method** [pg. 10, lines 15-25].

4. As to claim 2, Baldwin teaches a **method where said encrypted data is requested by sending an interrogation signal** (i.e., ...teaches a read or interrogation takes place of encrypted data [pg. 6, lines 5-15]).

5. As to claim 3, Baldwin teaches a **Software tool comprising program code means stored on a computer readable medium for carrying out the method of claim 1 when said software tool is run on a computer or network device** (i.e., ... teaches portable handheld RFID interrogator [pg. 12, lines 15-20] ... further teaches program code [pg. 4, lines 30-32] Those skilled in the art would recognize inherent to such device is software running on said device to perform the read function).

6. As to claim 4, Baldwin teaches a **computer program product comprising program code means stored on a computer readable medium for carrying out the method of claim 1 when said program product is run on a computer or network device** (i.e., ... teaches portable handheld RFID interrogator [pg. 12, lines 15-20] ... further teaches program code [pg. 4, lines 30-32] Those skilled in the art would

recognize inherent to such device is software running on said device to perform the read function).

7. As to claim 5, Baldwin teaches a **computer program product comprising program code, downloadable from a server for carrying out the method of claim I when said program product is run on a computer or network device** (i.e., ... teaches program code [pg. 4, lines 30-32]).

8. As to claim 6, Baldwin teaches a **computer data signal embodied in a carrier wave and representing a program that instructs a computer to perform the steps of the method of claim I** [pg. 4, lines 25-30].

9. As to claim 7, Baldwin teaches a **electronic terminal, comprising a radio frequency identification tag reader for receiving data from a radio frequency identification tag** [pg. 4, lines 8-15], **a decryptor for decrypting said data by at least one decryption method** (i.e. ...teaches decryption process step [pg. 10, lines 14-17]), **the decryptor being suitable to evaluate if said data has been correctly decrypted by said at least one decryption method** (i.e., ...teaches a comparison function upon decryption [pg. 10, lines 14-17] Those skilled in the art would recognize the comparison function as being a software routine for which is control by a main routine such that if a exception happens in the decryption routine, the comparison routine will not be pass the proper data and therefore cause a exception in the comparison routine), **and a data**

**processing unit suitable to derive a tag type from said at least one decryption method and to generate a corresponding output** [pg. 10, lines 15-25].

10. As to claim 8, Baldwin teaches a **electronic terminal, where said electronic terminal further comprises a transmitter for sending an interrogation signal to a radio frequency identification tag** [pg. 4, lines 10-20].

11. As to claim 9, Baldwin teaches a **electronic terminal where said electronic terminal is comprises a mobile terminal device** (i.e., ... teaches portable handheld RFID interrogator [pg. 12, lines 15-20]).

12. As to claim 10, Baldwin teaches a **electronic terminal where said electronic terminal is enabled to communicate via a public land mobile network** (i.e., ...teaches RFID tags and RFID interrogators [pg. 5-25] Those skilled in the art would recognize the operation of RFID tags and RFID interrogators in the public domain. Such that the interrogator can be utilized to interrogate multiple RFID tags. Those skilled in the art would recognized such interrogation of multiple RFID tags within the public domain inherently prescribes a mobile network).

13. As to claim 11, Baldwin teaches a **radio frequency identification tag** [pg. 2, lines 5-10], **containing encrypted data** [pg. 2, lines 25-30], and **comprising a transmitter for sending said data to a radio frequency identification tag reader**

(i.e., ... teaches a antenna connected to a memory device [pg. 4, lines 10-15], **where characterized in that said encrypted data contains an indication of the type of radio frequency identification tag** [pg. 4, lines 25-32].

14. As to claim 12, Baldwin teaches a **radio frequency identification tag where said radio frequency identification tag also further comprises a receiver for receiving interrogation signals from a radio frequency identification tag reader** (i.e., ... teaches receiving a signal from RFID interrogator [pg. 4, lines 10-15]).

15. As to claim 13, Baldwin teaches a **electronic where said electronic terminal comprises a mobile terminal device** (i.e., ... teaches portable handheld RFID interrogator [pg. 12, lines 15-20]).

16. As to claim 14, Baldwin teaches a **Electronic terminal, where said electronic terminal is enabled to communicate via a public land mobile network** (i.e., ...teaches RFID tags and RFID interrogators [pg. 5-25] Those skilled in the art would recognize the operation of RFID tags and RFID interrogators in the public domain. Such that the interrogator can be utilized to interrogate multiple RFID tags. Those skilled in the art would recognized such interrogation of multiple RFID tags within the public domain inherently prescribes a mobile network).

#### **Prior Art Made of Record**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Volpi et al. (US Patent Publication No. 2004/0174261) Interrogator and interrogation system employing the same

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/

Examiner, Art Unit 2131

/Ayaz R. Sheikh/

**Supervisory Patent Examiner, Art Unit 2131**